

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL BLUEMLING,)	
Plaintiff,)	
)	
vs.)	Civil Action No. 08-1421
)	
PNC BANK,)	
Defendant.)	

ORDER

On October 7, 2008, the plaintiff, Michael Bluemling, filed an action in the above-captioned case, alleging claims of disability discrimination against his former employer, defendant PNC Bank. On January 19, 2010, the defendant filed a motion for summary judgment. On August 27, 2010, United States Magistrate Judge Lisa Lenihan filed a Report and Recommendation, which recommended that the defendant's motion be granted with respect to the plaintiff's harassment claims, failure to promote claims and retaliation claims and denied in all other respects. On September 13, 2010, the defendant filed objections to the Report and Recommendation. In the objections, the defendant restates a number of arguments that were addressed in the Report and Recommendation. Upon independent review of the motion, the record and the objections, the Court concludes that the defendant has not demonstrated that there are no genuine issues of material fact.

AND NOW, this 21st day of September, 2010,

IT IS ORDERED that defendant's motion for summary judgment (Docket No. 44) is granted with respect to the plaintiff's harassment claims, failure to promote claims and retaliation claims and denied in all other respects. Magistrate Judge Lenihan's Report and

Recommendation (Docket No. 55) is adopted as the opinion of the Court.

A handwritten signature in black ink, appearing to read "D. Cercone", written over a horizontal line.

David Stewart Cercone
United States District Judge